

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 27, 2007**

**DIVISION ONE**

B200538      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
H.R. et al.

The order denying H.R.'s petition for modification is affirmed. The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court for the sole purpose of compliance with the Indian Child Welfare Act, including ordering the Department of Children and Family Services to comply with the notice provisions of the Indian Child Welfare Act as to the Eastern Band of Cherokee Indians and the holding of a hearing, at which the parents are represented by counsel, to determine whether the Indian Child Welfare Act applies. If the Eastern Band of Cherokee Indians has not responded indicating that P.B. is an Indian child, or the response indicates that P.B. is not an Indian child within the meaning of the Indian Child Welfare Act, the order terminating parental rights shall be reinstated. If the Eastern Band of Cherokee Indians had determined that P.B. is an Indian child within the meaning of the Indian Child Welfare Act, the juvenile court shall conduct further proceedings, applying the appropriate provisions of the Indian Child Welfare Act, the Welfare and Institutions Code, and the California Rules of Court.

Mallano, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                     Jackson, J. (Assigned)

DIVISION TWO

B169140 People (Not for Publication)

V.  
Medina

The judgment is modified to award appellant 150 days of conduct credit and total presentence credit of 450 days and to strike the conviction of count 6 for attempted carjacking and the judgment is otherwise affirmed. The trial court is ordered to modify the abstract of judgment accordingly.

Boren, P.J.

We concur:   Doi Todd, J.  
                       Ashmann-Gerst, J.

B198820 People (Not for Publication)

v.  
Beckwith

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                          Chavez, J.

B197034 People (Not for Publication)

V.  
Charlotte A.

The Court:

The order of warship is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION TWO (continued)

B196392      Morrowatti      (Not for Publication)

v.

State Bar of California et al.

The judgment is affirmed.

Boren, P.J.

We concur:    Ashmann-Gerst, J.  
                  Chavez, J.

B172962      People      (Not for Publication)

v.

Borders

As to the issues raised concerning withdrawal of the no contest plea and ineffective assistance of counsel, the appeal is dismissed. The matter is remanded for resentencing in accordance with the dictates of Sandoval, supra, 41 Cal.4th at pages 846-847. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur:    Ashmann-Gerst, J.  
                  Suzukawa, J. (Assigned)

DIVISION THREE

B190607 People (Not for Publication)

V.

# Jammie Hendrix

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B196811 Benham Soroudi et al (Not for Publication)

V.

Mehdi Soroudi et al

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B191297 Baerbel Lottmann, etc (Not for Publication)

V.

Land and Real Estate Investments etc, et al

The order of dismissal as to Stoneridge Escrow and Litrov is affirmed. Stoneridge Escrow and Litrov are awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION THREE (continued)

B188716     Walter B. Bithell  
                 v.  
                 E.P. Management Services LP

Filed order denying petition for rehearing.

DIVISION FOUR

B19993     Dominick Rubalcava et al.            (Certified for Publication)  
                 v.  
                 Frank Martinez  
                 Unite Here Local 11

The judgment is reversed. The matter is remanded to the trial court with directions to vacate the orders enjoining appellant Frank Martinez from publishing the zone ordinance and granting the petition for writ of mandate, and to enter a new order denying the petition for writ of mandate. Appellants are awarded their costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.  
                 Suzukawa, J.

DIVISION FIVE

B195786     People                                        (Not for Publication)  
                 v.  
                 Jorge Gutierrez

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.  
                 Armstrong, J.

DIVISION FIVE (continued)

B194889      Golden State Boring & Pipe Jacking      (Not for Publication)  
v.  
Colich Construction

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:    Armstrong, Acting P.J.  
Mosk, J.

B191819      Josepha Gonzalez      (Certified for Publication)  
v.  
Vladimir Beck

The order of the trial court denying defendant's motion to set aside is affirmed. Plaintiff is awarded costs on appeal.

Mosk, J.

We concur:    Turner, P.J.  
Kriegler, J.

B193444      Betty Lou Sandsmark et al.,      (Not for Publication)  
v.  
American Hond Motor Corporation

The judgment is reversed. Respondent is to bear the costs on appeal.

Armstrong, J.

We concur:    Turner, P.J.  
Kriegler, J.

DIVISION FIVE (continued)

B196650      Ken Colgan and Chris Wilson      (Not for Publication)

v.

Leatherman Tool Group, Inc.,

The new judgment regarding attorney fees is reversed, but only as to the award of postjudgment interest, and remanded to the trial court with instructions to modify the new judgment regarding attorney fees to reflect that interest on the attorney fees award for services rendered up to the original judgment shall run from December 5, 2006. In all other respects, the new judgment regarding attorney fees is affirmed. Plaintiffs are awarded their costs on appeal.

Mosk, J.

We concur:    Turner, P.J.  
                         Kriegler, J.

B200782      Los Angeles County, D.C.S.      (Not for Publication)

v.

Michelle F.

In re Micah H., et al., Persons coming under the Juvenile Court Law

The order is affirmed.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
                         Kriegler, J.

DIVISION FIVE (continued)

B195760      Vartan Kojobabian      (Not for Publication)  
v.  
Mher Momdjian

The order pursuant to section 1714.10 subdivision (a) denying plaintiff's leave to amend is affirmed. The matter is remanded to the trial court for any further proceeding. The parties are to bear their own costs on appeal.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
Kriegler, J.

B179694      People      (Not for Publication)  
v.  
Eddie Hill

The judgment is modified to reflect that as to count two, defendant is convicted of possession of cocaine for purposes of sale within the meaning of section 11351; and to impose the following additional fines: A \$50 laboratory fee pursuant to Health and Safety Code section 11372.5, subdivision (a); and two penalty assessments of \$35 pursuant to Government Code section 76000, subdivision (a). The case is remanded to allow the court to exercise its sentencing discretion as to count two. In all other respects, the judgment is affirmed.

Mosk, J.

We concur:    Turner, P.J.  
Armstrong, J.



DIVISION SIX

B185391 County of San Bernardino et al. (Certified for Publication)  
v.  
Walsh et al.,

We affirm the judgment. Costs are awarded to appellants County of San Bernardino, San Bernardino County Flood Control District, and Inland Empire Solid Waste Financing Authority.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B193452 People (Not for Publication)  
v.  
Walden

The judgment (order) is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B199907 People (Not for Publication)  
v.  
Merritt

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

December 27, 2007 (Continued)

## DIVISION SIX (continued)

B201437 People v. Topper (Not for Publication)

The judgment is affirmed.

Gilbert, P.J

We concur: Coffee, J.  
Perren, J.

B192678 People (Not for Publication)  
v.  
Roberto H.,

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION SIX (continued)

B189730     LeSage  
              v.  
              LeSage

Filed order denying petition for rehearing.

B195405     LeSage  
              v.  
              LeSage

Filed order denying petition for rehearing.

DIVISION EIGHT

B189671     People  
              v.  
              Jamal Williams

Filed order vacating submission order of September 27, 2007. Cause resubmitted.

B182347     People  
              v.  
              Theodore Kelly

Filed order vacating submission order of September 27, 2007. Cause resubmitted.